

- (7) \$3,696 value of loss x 100 percent = \$3,696 indemnity payment.

#### 13. Late Planting

In lieu of section 16(a) of the Basic Provisions, the production guarantee for each acre planted to the insured crop during the late planting period will be reduced by 1 percent per day for each day planted after the final planting date unless otherwise specified in the Special Provisions.

#### 14. Prevented Planting

In addition to the provisions contained in section 17 of the Basic Provisions, your prevented planting coverage will be 60 percent of your production guarantee for timely planted acreage. If you have limited or additional levels of coverage, as specified in 7 CFR part 400, subpart T, and pay an additional premium, you may increase your prevented planting coverage to the levels specified in the actuarial documents.

[62 FR 65997, Dec. 17, 1997]

## PART 458—SPECIAL CALIFORNIA CROP INSURANCE REGULATIONS

### Subpart—Regulations for the 1992 through 1994 Crop Years

#### Sec.

- 458.1 Availability of Special California citrus crop insurance.
- 458.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
- 458.3 OMB control numbers.
- 458.4 Creditors.
- 458.5 Good faith reliance on misrepresentation.
- 458.6 The contract.
- 458.7 The application and policy.

AUTHORITY: 7 U.S.C. 1506, 1516.

SOURCE: 56 FR 30490, July 3, 1991, unless otherwise noted.

#### **§458.1 Availability of Special California citrus crop insurance.**

Insurance shall be offered under the provisions of this subpart on citrus in California counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

#### **§458.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.**

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for California citrus which will be included in the actuarial table on file in the applicable service offices for the county.

(b) At the time of application, the applicant will select the coverage level (50%, 65%, or 75%) for the 1993 and 1994 crop years. The coverage level for the 1992 crop year will be level 1 (50%). The price selection for the 1992 crop year will be established by the actuarial tables for the applicable type for the crop year.

#### **§458.3 OMB control numbers.**

The OMB control numbers are contained in subpart H of part 400, Title 7 CFR.

#### **§458.4 Creditors.**

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to my benefit under the contract.

#### **§458.5 Good faith reliance on misrepresentation.**

Notwithstanding any other provision of the Special California citrus insurance contract, whenever:

(a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation:

(1) Is indebted to the Corporation for additional premiums; or

(2) Has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and